IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5492 OF 2003

Smt. Meeratai Y. Ambedkar. .. Petitioner.

vs.

The Charity Commissioner

& Ors. .. Respondents.

Mr. Sakhardande i/by S.S. Wagh for petitioner.

Mr. V..A. Gangal for respondents nos. 3 & 4.

CORAM : S.U. KAMDAR, J.

DATE : 1st December, 2005.

P.C.:

. The present petition is challenging the impugned order dated 20.3.2003 by which the appeal of the petitioner was dismissed by the City Civil Court, Bombay. The only ground on which the appeal was filed is that the Charity Commissioner has erred in converting the appeal which was preferred before him into revision. It has been contended that Charity Commissioner has exercised the said power only on the ground that the appeal was beyond time. It is contended that the Charity Commissioner ought not to have exercised the said power on the said

ground. In my opinion, it is permissible for the Charity Commissioner to exercise the revisionery power if the revision proceedings are filed even if the appeal is beyond time. The City Civil Court in the impugned order has rejected the contention of the petitioner that the Commissioner has no power to convert the appeal in revision. It is against the said order the present petition is filed. I do not find any ground to interfere with such an order of the City Civil Court in writ jurisdiction under Article 227 of the Constitution of India. Petition dismissed. No order as to costs.